

Appl. No. 09/676,381
Amndt. Dated 06/21/2005
Reply to Office Action of April 19, 2005

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed April 19, 2005. In the Office Action, claims 17-23, 31-32 and 35 were rejected under 35 U.S.C. §102(c) and claims 25-30 were rejected under 35 U.S.C. §103(a). Claims 17, 22, 31 and 32 have been revised. Claims 21 and 24 have been cancelled without prejudice. Reconsider and allowance of the pending claims is respectfully requested.

Rejection Under 35 U.S.C. § 102

Claims 17-23, 31-32 and 35 were rejected under 35 U.S.C. §102(b) as being anticipated by Holden (U.S. Patent 6,771,639). Applicant respectfully requests the Examiner to withdraw the rejection because a *prima facie* case of anticipation has not been established.

As the Examiner is aware, to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Vergegual Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989).

For instance, with respect to independent claims 17 and 31, Applicant respectfully submits that Holden does not describe a logic circuit (or means) to transmit an announcement stored in the memory, where the announcement comprises (i) a parameter to identify a network address and port number of a location in the memory containing metadata and (ii) an attribute to announce metadata that provides information about at least one available video program or enhancement to be received at a client receiver. One aspect of the invention is directed to a new attribute of a SDP announcement, which includes parameters as set forth in claim 17 as well as in claim 32 (in more detail). In contrast, Holden teaches a SIP call session which is part of the Internet Engineering Task Force (IETF), but differs from Session Description Protocol (SDP). See column 5, lines 2-9 of Holden. In fact, the SDP limitation is set forth in claims 19, 26 and 32.

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In light of the foregoing, Applicant respectfully requests the Examiner to withdraw the outstanding §102(b) as applied to claims 17-23, 31-32 and 35.

Rejections Under 35 U.S.C. § 103

Claims 25-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Holden (U.S. Patent). Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *See MPEP §2143, p.2100, 124(8th Ed., rev. 1, Feb 2003); see also In Re Fine, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988).*

Herein, the combined teachings of the cited references fail to describe or suggest all the claim limitations. Moreover, Applicant timely challenges the Official Notice in accordance with MPEP § 2144.03. More specifically, Holden provides no teaching for altering an announcement compliant with an Advanced Television Enhancement Forum (ATVEF), where the announcement would feature (i) a first attribute to announce metadata that provides information about at least one available video program or enhancement and/or (ii) a second attribute to identify a network address and a port of a location containing said metadata announcement is compliant with an Advanced Television Enhancement Forum (ATVEF) standard. Applicant respectfully requests the Examiner to offer a reference to support his or her position, or to allow these rejected claims.

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Conclusion

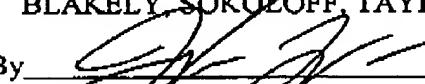
Applicant respectfully requests examination of the pending claims at the Examiner's earliest convenience.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: June 21, 2005

By


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